

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6153

BILL NUMBER: SB 71

DATE PREPARED: Feb 2, 1999

BILL AMENDED: Jan 26, 1999

SUBJECT: DNA sampling of persons arrested for felonies.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a person arrested for any felony to submit a DNA sample for inclusion in the Indiana DNA data base. It requires the laboratory that prepares a DNA profile to destroy the sample from which the profile was prepared. It also increases the penalty for misuse of DNA information from a Class A misdemeanor to a Class D felony.

This bill allows expungement of the DNA profile if there is no pending case based on the arrest and at least one year has elapsed since the arrest. It also requires the superintendent of state police to submit a copy of an expungement request to the attorney general, who has 30 days to object to expungement of the DNA profile.

Effective Date: July 1, 1999.

Explanation of State Expenditures: This bill would increase the number of DNA profiles processed by the State Police from the 3,300 in CY 1998 (gathered from felons entering the Department of Correction) to at least 23,451 for all persons arrested for alleged felonies. (This figure is based on estimated FY 1998 felony arrests and fingerprint profiles collected by the State Police in CY 1998, and is known to be low due to inconsistent reporting by law enforcement agencies.)

State Police Costs

The current, contracted cost to profile DNA is \$65 per sample. **Based on 23,451 new samples, the added annual cost to the State Police would be approximately \$1.5 M.** Also, due to experience in incomplete reporting of felony arrests by law enforcement agencies, it is likely that some or all DNA profiling would likely continue for felons being processed into the DOC. This continued cost of the 3,300 felons entering DOC annually would be \$224,400.

In order to input additional DN A profile data, it is estimated that six additional staff would be required: five PAT II data entry personnel (\$30,824, base salary) and one SAM PAT I supervisor (\$42,534, base). **Total personnel expenditures, including fringe would be \$282,232 in FY 2000 and \$282,636 in FY 2001.** Also, new/leased laboratory facilities may be necessary due to current overcrowding conditions in the State Police DNA laboratory. Other additional, indeterminate costs may entail: (1) new refrigeration units for holding blood samples; and (2) added computer equipment.

The funds and resources required above could be supplied through a variety of sources, including the following: (1) Existing staff and resources not currently being used to capacity; (2) Existing staff and resources currently being used in another program; (3) Authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) Funds that, otherwise, would be reverted; or (5) New appropriations. There were 188 vacancies (as of December 9, 1998) within the State Police from which new positions could be filled. Ultimately, the source of funds and resources required to satisfy this provision will depend upon legislative and administrative actions. Funding for the Indiana State Police originates from the state General Fund and the Motor Vehicle Highway Fund.

Attorney General Costs

The Attorney General's office would experience administrative costs in processing and investigating requests for DNA profile expungement. Depending on the volume of requests, additional staff and resources may be necessary. As of December 31, 1998, the Attorney General's office had 22 positions vacant. Ultimately, the source of funds and resources required to satisfy this provision will depend upon legislative and administrative actions.

This bill also raises the penalty for misuse of DNA information from a Class A misdemeanor to a Class D felony. State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between 6 months to 3 years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost per offender for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily. The average length of stay in DOC facilities for all Class D felony offenders is approximately seven months.

Explanation of State Revenues: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000 while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: Local law enforcement agencies would be required to purchase and send DNA collection kits (\$3 per kit plus about \$2.50 mailing cost) to the State Police. Based on estimated felony figures, annual DNA collection costs would be at least \$129,000 statewide. Also, blood sampling of offenders may indeterminately increase costs for medical services provided to law enforcement agencies (e.g, county jail medical service contracts). Both courts and law enforcement agencies may experience increased administrative costs for processing DNA profiles and DNA profile expungement requests.

If an offender is sentenced to state prison rather than to a county jail, the costs to the county may be reduced. The maximum term of imprisonment for a Class A misdemeanor is up to one year. The average daily cost

to incarcerate a prisoner in a county jail is roughly \$44.

Explanation of Local Revenues: Court fees for both misdemeanors and felonies are \$120.

State Agencies Affected: Department of Correction; State Police; Attorney General.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Planning Division, Department of Correction; Indiana Sheriffs Association; Bob Conley, State Police, (317) 899-8518; Steve Hillman, State Police (317) 232-8204; Mike McConaha, Marion County Court Information Services, (317) 327-3312.